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EXAMINER	
NGUYEN, TU MINH	
ART UNIT	**PAPER NUMBER**
3748	

NOTIFICATION DATE	DELIVERY MODE
02/22/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/807,236	TANABE ET AL.	
	Examiner	Art Unit	
	Tu M. Nguyen	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. An Applicant's Amendment filed on November 20, 2007 has been entered. Overall, claims 1-14 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 6, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (U.S. Patent 6,826,902) in view of Deeba et al. (U.S. Patent 6,105,365).

Re claim 1, as shown in Figures 1 and 6, Sun et al. disclose a method for estimating a NOx occlusion amount (x_{NOx}) of a NOx occlusion catalyst (36) interposed in an exhaust passage (42) in an engine (12), characterized in comprising the steps of:

- estimating (step 212) the NOx occlusion amount using a polynomial (equation (19) and the equation on lines 30-34 of column 11) reflected with a NOx occlusion characteristics (a NOx adsorption rate (x_a)) of the NOx occlusion catalyst, and

- correcting each coefficient of the polynomial sequentially on the basis of NOx purification rates actually measured (the coefficient c_2 on the right-hand-side of equation (19) is

determined from experimental data (lines 7-8 of column 8) and is based on a NOx adsorption rate that is actually measured (see equation (4b) in column 7)).

Sun et al., however, fail to disclose that NOx occlusion amount is first obtained from an actual NOx purification calculating means that calculates an actual purification rate of the NOx catalyst based on a ratio of an actual NOx concentration at an inlet of the NOx catalyst and an actual NOx concentration at an outlet of the NOx catalyst.

As shown in Figure 2, Deeba et al. disclose an apparatus for purifying NOx emission from an internal combustion engine, comprising a NOx occlusion catalyst (42) located at an exhaust path 24) of an engine (10). Deeba et al. teach that it is conventional in the art to determine (in expression (1) in column 7) an NOx occlusion amount by the catalyst from an actual NOx purification calculating means that calculates an actual purification rate (η) of the NOx catalyst based on a ratio of an actual NOx concentration (EONOx) at an inlet of the NOx catalyst and an actual NOx concentration (TPNOx) at an outlet of the NOx catalyst (see expression (1') in column 9 and lines 40-49 of column 9). It would have been obvious to one having ordinary skill in the art at the time of the invention was made, to have utilized the teaching by Deeba et al. in the method of Sun et al., since the use thereof would have been routinely practiced by those with ordinary skill in the art to accurately determine the NOx occlusion amount in a NOx catalyst.

Re claim 6, the modified method of Sun et al. is characterized in that a NOx discharging amount in the NOx occlusion catalyst is calculated according to the following equation:

NOx discharging amount = ∫ (reducing agent concentration at catalyst inlet x reducing agent utilization rate – a constant x oxygen concentration in catalyst inlet) x exhaust gas flow rate (See equation (4b) and lines 54-67 of column 8).

Re claim 11, the modified method of Sun et al. is characterized in that:

- the engine is constituted such that switching can be performed between a lean operation where an exhaust gas air-fuel ratio is lean and a rich operation where the exhaust gas air-fuel ratio is rich (lines 38-41 of column 3), and

- the coefficients of the polynomial are held during the rich operation, and when a difference between the NOx purification rate obtained by using the held coefficients at a starting time of the lean operation and the NOx purification rate actually measured is equal to or more than a threshold value, the NOx occlusion amount is corrected (coefficients c_1 and c_2 are based on experimental data and are corrected based on a measured changed of NOx adsorption or desorption rates).

Re claim 12, the modified method of Sun et al. is characterized in that the NOx occlusion amount is corrected, when a difference between an actually measured value of the NOx purification rate (x_a, x_d) at the starting time of the lean operation of the engine and an estimated value thereof is equal to or more than a threshold value (the coefficients c_1 and c_2 are based on experimental data and are corrected based on a measured changed of NOx adsorption or desorption rates so that an estimated or predicted NOx purification rate (x_a, x_d) is within a predetermined range with a measured value).

Re claim 13, the modified method of Sun et al. is characterized in that the NOx occlusion amount is corrected based upon a judgment that a NOx occlusion amount calculated at the

starting time of the lean operation is incorrect when a difference between the NOx purification rate (x_a, x_d) estimated by the polynomial and the NOx purification rate obtained by actual measurement immediately after switching is performed from the rich operation of the engine to the lean operation thereof is equal to or more than a predetermined value.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. in view of Deeba et al. as applied to claim 1 above, and further in view of Yang (U.S. Patent Application 2004/0261397).

Re claim 2, the modified method of Sun et al. is characterized in that the polynomial for obtaining the NOx occlusion amount which is used in the estimating step includes a NOx purification rate (x_d), flow rate of NOx into the catalyst, and flow rate of CO into the catalyst, wherein these flow rates are a function of exhaust gas temperature, engine speed, and engine load.

Sun et al., however, fail to disclose that the above NOx and CO flow rates are converted to coefficients that are related to exhaust gas temperature and exhaust gas flow velocity so that the polynomial is a polynomial obtained by multiplying the exhaust gas temperature and the exhaust gas flow velocity by respective coefficients.

As shown in Figure 1a, Yang discloses a NOx control apparatus for an internal combustion engine comprising a NOx occlusion catalyst (105). As indicated in paragraphs 0016-0021 and 0024-0028, Yang teaches that it is conventional in the art to estimate an NOx flow rate from the engine and a CO flow rate (ratio of CO and NOx) based on the parameters such as engine or exhaust gas temperature and exhaust gas space velocity; so that an NOx occlusion amount in the catalyst is characterized by these parameters. It would have been

obvious to one having ordinary skill in the art at the time of the invention was made, to have utilized the teaching by Yang in the modified method of Sun et al., since the use thereof would have been routinely practiced by those with ordinary skill in the art.

Re claim 3, the modified method of Sun et al. is characterized in that the polynomial is expressed by an equation that includes coefficients multiplying with at least one of NOx purification rate, exhaust gas temperature, and exhaust gas space velocity.

Re claim 4, the modified method of Sun et al. is characterized in that the correcting step comprises, in an occasion of correcting the coefficient sequentially:

- estimating the (N+1)-th NOx purification rate on the basis of the N-th (N is a natural number) NOx occlusion amount obtained from the polynomial (see Figure 2 where a release rate and a storage rate of oxygen is sequentially determined based on a relatively oxygen level), and

- correcting each coefficient such that the estimated (N+1)-th NOx purification rate becomes the NOx purification rate actually measured.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. in view of Deeba et al. and Yang as applied to claim 4 above, and further in view of applicant's admitted prior art.

The modified method of Sun et al. discloses the invention as cited above, however, fails to disclose that the method is further characterized in that the coefficient is corrected by using the method of least square.

Since applicant fails to challenge the examiner's official notice that it is well known to those with ordinary skill in the art to correct the coefficient by using the method of least square to curve fit a set of test data to match the characteristics of a polynomial so that a predicted NOx

occlusion amount in the catalyst by the polynomial is closely matched with a measured value, it is therefore assumed that applicant has acquiesced with the examiner on such feature or limitation.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. in view of Deeba et al. as applied to claim 6 above, and further in view of Yang.

Re claim 7, in the modified method of Sun et al., a reducing agent utilization rate (see lines 50-67 of column 7) is characterized in a map (see Figure 2). They, however, fail to disclose that the reducing agent utilization rate is further set on the basis of exhaust gas temperature and exhaust gas flow velocity.

As shown in Figure 1a, Yang discloses a NOx control apparatus for an internal combustion engine comprising a NOx occlusion catalyst (105). As indicated in paragraphs 0024-0028, Yang teaches that it is conventional in the art to estimate an NOx reduced or desorption rate based on the parameters such as engine or exhaust gas temperature and exhaust gas space velocity; so that a reducing agent utilization rate by the catalyst is characterized by these parameters. It would have been obvious to one having ordinary skill in the art at the time of the invention was made, to have utilized the teaching by Yang in the modified method of Sun et al., since the use thereof would have been routinely practiced by those with ordinary skill in the art.

Re claim 8, the modified method of Sun et al. is characterized in that:

- the reducing agent utilization rate is estimated using a polynomial (see equation 4(b)) which is reflected with a NOx discharging characteristics of the NOx occlusion catalyst, and

- the coefficients of the polynomial are sequentially corrected on the basis of the concentration of reducing agent.

Re claim 9, the modified method of Sun et al. is characterized in that:

- the polynomial for obtaining the reducing agent utilization rate includes a catalyst inlet reducing agent concentration (line 6 of column 6),

- an exhaust gas temperature and an exhaust gas flow velocity (see paragraphs 0024-0028 in Yang), and

- the polynomial is a polynomial obtained by multiplying the catalyst inlet reducing agent concentration, the exhaust gas temperature, and the exhaust gas flow velocity by respective coefficients.

Re claim 10, the modified method of Sun et al. is characterized in that the polynomial for the reducing agent utilization rate is expressed by an equation that includes coefficients multiplying with at least one of a catalyst inlet reducing agent concentration, exhaust gas temperature, and exhaust gas space velocity.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. in view of Deeba et al. as applied to claim 1 above, and further in view of applicant's admitted prior art.

The modified method of Sun et al. discloses the invention as cited above, however, fails to disclose that the method further judges that the catalyst is abnormal when an average value of the each coefficient in a predetermined period is deviated from a predetermined range.

Since applicant fails to challenge the examiner's official notice that it is well known to those with ordinary skill in the art to monitor a computed or predicted NOx occlusion amount

with a measured value during a purging period of the NOx occlusion catalyst; and judge that the catalyst is abnormal when an average value of the each coefficient in said purging period is deviated from a predetermined range, it is therefore assumed that applicant has acquiesced with the examiner on such feature or limitation.

Response to Arguments

8. Applicant's arguments with respect to the references applied in the previous Office Action have been fully considered but they are not persuasive.

Re claim 1, in response to applicant's argument that the prior art of record fail to teach or suggest the step of "correcting each coefficient of said polynomial sequentially to become said estimated NOx purification rate calculated by said polynomial equal to the latest actual NOx purification rate calculated by said actual NOx purification rate calculating means." (page 3 of the Applicant's Amendment), the examiner respectfully disagrees.

As indicated in paragraph 3 above, the reference of Sun et al. has been shown to perform the step of "correcting each coefficient of said polynomial sequentially on the basis of on the basis of NOx purification rates actually measured." Sun et al., however, fail to disclose that such NOx purification rate is first obtained from an actual NOx purification calculating means that calculates an actual purification rate of the NOx catalyst based on a ratio of an actual NOx concentration at an inlet of the NOx catalyst and an actual NOx concentration at an outlet of the NOx catalyst.

The reference of Deeba et al. was then applied to show the teaching or suggestion of "an actual NOx purification calculating means" that calculates an actual purification rate of a NOx

catalyst based on a ratio of an actual NOx concentration at an inlet of the NOx catalyst and an actual NOx concentration at an outlet of the NOx catalyst. Thus, the combination of Deeba et al. and Sun et al. clearly teaches or suggests the claimed limitation in dispute.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (571) 272-4862.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tu M. Nguyen

TMN

February 15, 2008

Tu M. Nguyen

Primary Examiner

Art Unit 3748